WORLD CHRONICLE

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PROGRAMME: "WORLD CHRONICLE"

GUEST: Dolliver Nelson
Executive Secretary, UN Preparatory Commission for the International Sea-Bed Authority

JOURNALISTS: Ian Steele, Press Foundation of Asia
Ted Morello, Christian Science Monitor
Roy Murphy, Television New Zealand

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SYNOPSIS

Dolliver Nelson, Executive Secretary of the U.N. Preparatory Commission for the International Sea-Bed Authority, discusses the impact, or the lack of it, of a recent General Assembly resolution on curbing worldwide drift-net fishing. He says the huge amount of by-catch resulting from driftnetting is both wasteful of fish stock and damaging to the marine ecosystem.

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VOICE From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues. Here now to introduce our guest is the host of today's **World Chronicle**.

LITTLEJOHNS: I'm Michael Littlejohns and this is **WORLD CHRONICLE.**

Drift-net fishing, a relatively new technology, has been banned recently by a resolution of the United Nations General Assembly. Environmentalists hail the action as a major breakthrough in their efforts to conserve marine life. Now the critical question is: how to ensure compliance with a resolution that's not legally binding on Member States?

Our guest today, Dolliver Nelson of Grenada, is Executive Secretary of the U.N. Preparatory Commission for the International Sea-Bed Authority. He's an expert on ocean affairs and the Law of the Sea. Mr. Nelson will be interviewed here at United Nations Headquarters in New York by: Ian Steele of the Press Foundation of Asia; Ted Morello of the Christian Science Monitor; and Roy Murphy of Television New Zealand.

To illustrate how damaging drift-net fishing can be, here's a report from our correspondent, Lelei Lelaulu.

LELAULU: This swordfish is a victim of a controversial fishing method which critics claim is virtually strip-mining the world's oceans and seas. The technique -- called drift-netting -- uses huge nets 30 feet deep and up to 30 miles long. They hang in the water like large curtains.

Made of fine nylon mesh, almost invisible, they are allowed to drift and catch fish by their gills as they try to struggle through them.

Each night, a fleet of over 1,000 Asian fishing boats set 30,000 miles of nets in the Pacific alone, enough net to reach from Seattle to Tokyo and back again six times. Their main target species are small albacore tuna but, they end up entangling indiscriminately all marine creatures that come into contact with it. Fish, both commercial and non-commercial, plus many unfortunate marine mammals are hopelessly netted and die if not freed in time.

Environmental groups, such as Greenpeace, are extremely concerned at the practice. Their Rainbow Warrior crew have been tracking down drift-net fishing fleets in the South Pacific and have taken non-violent action to stop them.

In response to the public outcry, Japan -- which has the world's largest drift-netting fleet -- announced last December that it would ban the use of such nets by its vessels in 1992. Also, in the latest General Assembly session, the issue, initiated by the South Pacific nations and the United States, was heatedly debated. After difficult negotiations, a resolution was adopted to stop all drift-net fishing on the high seas by mid-1992.

Meantime, drift-net fishing continues, so do its adverse effects on the marine environment. Because, for some countries, drift-netting means large catches and big money.

LITTLEJOHNS: Mr. Nelson, if we're going to wait until the middle of 1992 for the ban to go into effect, won't it be too late? I mean if they're already overfishing, there are already problems in the North Pacific, the salmon stocks are being depleted, by 1992 maybe there won't be any fish left to take out of the oceans?

NELSON: That is surely a point of view which is well taken, on the other hand those who engage in drift-net fishing would argue that there is not sufficient scientific evidence to ban this type of fishing activity. In fact, if you look at the resolution itself you would see that this business, this reliance on the scientific basis and scientific evidence, is the card of the other side and the argument is that you cannot establish a complete ban at this moment until there is solid scientific evidence to support that ban.

LITTLEJOHNS: What is the position of the Secretariat of the Law of the Sea Convention? Are you convinced that there is sufficient evidence? Do you have technical experts who have been able to come up with data for example?

NELSON: No, this is not really our business in a sense. As you note, in the resolution many of the units of the organization are supposed to give reports on drift-net fishing and we are one of the organizations which is sort of mandated to produce a report for this year's General Assembly. I think that there are organizations which claim, for example Greenpeace claims that they have sufficient evidence to ban this type of activity, but the people engaged in this do not think that the evidence is sufficient. The fact that the resolution makes great play on the need for scientific evidence is one that ought to be taken somewhat seriously and therefore it is the business of the international community to produce the evidence as quickly as possible.

LITTLEJOHNS: Mr. Nelson, the finger's been pointed particularly at the Japanese but I understand that the Taiwanese are also very serious culprits and that South Korea is another and that Italy is doing drift-net fishing in the Mediterranean and France in the Bay of Biscay. Why doesn't anybody say anything about them, it's always the Japanese who seem to take the brunt of the criticism?

NELSON: I think the attitude of the South Pacific countries to drift-net fishing has really brought the matter into high relief. The Tarawa Declaration, the convention which they have adopted prohibiting drift-net fishing, has served to emphasize, to sort of galvanize world opinion against this type of fishing so that it's not surprising that the finger has been pointed on those countries who are in fact engaged in drift-net fishing in the Pacific. But as you said, there are other parts of the world for example in the Mediterranean, in the Atlantic and even in the Caribbean there are cases of drift-net fishing.

LITTLEJOHNS: By Caribbean countries or by ...?

NELSON: No, by foreign countries, by foreign states and if you note in the resolution there are three sort of prongs to it: first the establishment of moratoria; second the reduction of drift-net fishing and thirdly -- and very important -- the ban against further expansion of large scale drift-net fishing. This is extremely important because it is claimed that if the South Pacific countries are successful in banning the drift-net fishing within the area they will certainly move to other areas.

STEELE: Mr. Nelson, what will be the United Nations' role beyond 1992? Who will implement, who will monitor, who will survey just what is going on out there once the moratorium presumably takes effect?

NELSON: Here we get back to a resolution. A resolution of the General Assembly simply expresses a concern, the global concern of the world community against this type of activity. It makes recommendations and in my view one would have to get stricter sort of instruments, for example in line with the convention that has been adopted by the South Pacific countries. We may hope for some kind of global instrument, some global convention, which can in fact embody that type of mechanism you're thinking of, a monitoring system, but I do not think on the strength of a resolution the United Nations is empowered to establish a monitoring system but I do believe the weak point in this particular resolution is the implementation of it, the monitoring of it.

STEELE: Why are the guidelines so weak after all drift-net fishing has been around for seven years? Why isn't there more of an activist stand on something which is clearly, in the minds of many people, an environmentally damaging and destructive industry?

NELSON: I think we have to remember that this resolution is the product of a sort of compromise. There are people who would like to have seen a complete cessation of drift-net fishing activities and there are others -- not only the Japanese, not only the Taiwanese, not only the South Koreans -- who again would like to see further scientific evidence before such an extreme measure is taken and it is that tension between what you may call manifest facts and those people who are engaged in drift-net fishing and who are profiting from it but who, rightly or wrongly, believe that there is not sufficient evidence to establish a complete ban on drift-net fishing.

STEELE: This is the traditional cop-out though isn't it on any issue, lack of scientific evidence? We wouldn't have any action on CFCs if we were still waiting for the global warming effect to take place.

NELSON: I can only agree on this point.

MORELLO: This argument as Ian says seems to have lost credibility. We've heard it in connexion with the U.S. administration's reluctance to take action on acid rain for example -- more scientific evidence needed -- the tobacco industry's refusal to respond -- more scientific evidence needed. You've said that the U.N. itself is not concerned, or at least it's not mandated to collect the scientific evidence, is anybody working along those lines?

NELSON: I think that the United States and Japan are in fact co-operating to produce the scientific evidence needed, however I must say though that we're dealing indeed within the ambit of the United Nations. The Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific is very clear on its prohibition. It's a very complete text. It prohibits a host of activities. There's national legislation, New Zealand and other countries and even the 1987 Act in the United States have had the effect of curtailing at least, drift-net activities. It's very difficult to undertake in a short of period of time the kind of scientific evidence, to garner the evidence which would be needed in the short space of time that is why some people are very pessimistic about taking that particular path but I myself believe, as I said before, that it is through stronger sub-regional and regional instruments, and even a global instrument -- but that will clearly be a very difficult thing to do -- but it's by concluding these very tough regional instruments that we can hope to ban these activities even before the year 1992.

MORELLO: The question of the Japanese conducting scientific experiments on this thing also lacks credibility I think considering their views on the whaling situation. The documentation speaks of reviews a year from now, two years from now, to see how this is all working, do they really expect that on a review you'll find that drift-netting has not depleted the fish to the extent that concern was expressed?

NELSON: I think one has to remember that the Japanese may have their own internal problems, in the sense that having an industry so well established, that they will need some time in order to reduce their own fleets and it may possibly be for their own internal sort of situation that they need to satisfy themselves that in fact when you say that the resources of albacore tuna are being reduced severely in say the Tasman Sea and therefore South Pacific countries are affected by it and their economies collapse if the albacore tuna was to cease to exist, the Japanese themselves may need scientific facts for their own internal consumption. But this is only a speculation. I think the fact of the matter is that a lot of money has been spent on this particular activity and it may be difficult to stop it immediately within the country itself.

LITTLEJOHNS: The programme is **WORLD CHRONICLE**. Our guest is Dolliver Nelson, Executive Secretary of the U.N. Preparatory Commission for the International Sea-Bed Authority.

MURPHY: When talking about the lack of scientific data, the point has rather been missed that the resolution that was passed last December rather cleverly turns the tables on that particular question because it says that the drift-net fishing must be reduced unless the people doing the fishing can prove, through scientific data, that they are not affecting the environment and are not destroying the stock of fish, so that

puts the ball back in the other court so to speak, but the question still remains that if they do offer proof who's going to say, well that proof is decisive or it's not decisive or we have other proof? What situation is set up so that somebody can say, well we're going to continue for these reasons? Who is there to say, well, no we disagree with that, you can't. How can you stop it?

NELSON: I think that is a weakness with this resolution. There's no arbiter, there's no final judge who would decide when this evidence is sufficient. For example they say that effective conservation measures be taken based upon statistically sound analysis, who is to decide what is sound analysis in this particular case? I myself believe there is a weakness here. Who is going to be the arbiter, who is going to decide how sound the scientific evidence is?

MURPHY: That's my question. There's no answer for that?

NELSON; I don't think I can answer that question.

MURPHY: Well the same applies where the resolution says that in fact the drift-net fishing has to be reduced in the South Pacific but for the North Pacific it merely says that it can no longer be expanded. In other words, it can stay at the same level basically is what the resolution appears to be saying, but you have the situation where they don't know how many boats are out there. They estimate for the Koreans for instance there could be as many between 60-130 vessels. Those are the estimates I've seen. That's a vast range of vessels so who's to say if there's 200 vessels out there next year or the year after but they haven't expanded they've been there all along. There's been no monitoring at all of this kind of thing.

NELSON: It seems to me as far as the North Pacific is concerned that one the reason for the problem with the drift-net fishing in the North Pacific is mainly the salmon catch as a by-catch for fishing for squid and the Japanese themselves claim that they fish rather below the salmon line and this is their claim. On the other hand, there is a great amount of co-operation for the time being between the United states and Japan and other Pacific countries drift-netting in the North Pacific on the problem of fishing of salmon so that I think that the North Pacific, and moreover the Japanese agree, that salmon being what we call in the trade anadromous species, belong to the strait of origin, and therefore any fishing of salmon in the high seas is illegal and therefore the Japanese have always been prepared to co-operate with the Americans and the other North Pacific coast countries in seeing that salmon is not affected by drift-netting.

LITTLEJOHNS: Mr. Nelson, the whales, the dolphins, the various endangered species that are picked up in these drift nets, what happens to them? Are they just left to die or if they haven't already died are they just left to the ocean or what?

NELSON: Yes, you're right they're left to the ocean and that is one of the most troubling things about drift-net fishing is what we call the magnitude of the by-catch. It surely must affect the marine ecology. First of all it's wasteful in the sense of having all these species which are not targeted going to waste and it will certainly affect the marine ecology and I believe that one of the provisions that has never been used in this debate is the idea of the fundamental obligations of states to protect and preserve the marine environment and it is this sense that this kind of by-catch,

this sort of wasteful fishing, and not only the by-catch, the targeted species itself, much of it, about 50% of it, is sometimes thrown away.

LITTLEJOHNS: The trash fish?

NELSON: The trash fish and this waste must affect the ecology of the oceans and must be a violation of this fundamental and general obligation of states.

LITTLEJOHNS: The by-catch, so-called, could that sometimes equal or exceed the targeted catch?

NELSON; No, it is tested. It's about nine tuna to one dolphin. It won't exceed.

LITTLEJOHNS: It's still pretty high.

STEELE: Mr. Nelson, what recourse is there for small island countries which sell the right to fish in their territorial waters to countries such as Taiwan, Japan, Korea? Do they retain any option over the type of fishing that they permit within their waters? Is this a consideration that is exercising the minds of the small nations at this particular time?

NELSON: As far as I know I think what is affecting the small islands, particularly in the Pacific, is that within waters falling within their national jurisdiction, and much of it is the albacore tuna, because of this drift-net fishing on the high seas, their resources of albacore tuna is severely reduced and since they are poor countries and their resources are mainly these marine resources and the idea of foreign fishermen paying to fish within their zones, the reduction of albacore tuna will certainly affect the economies of these countries and this I think is their main concern.

MORELLO: Mr. Nelson, the declarations that you mentioned -- the one in the Eastern Caribbean and the one in the South Pacific -- both refer to the inconsistency of this activity, drift-netting, with the Law of the Sea provisions. If the Law of the Sea Convention itself outlaws these things or deals with them why is it necessary to have a second convention or another convention covering what presumably is the same material?

NELSON: You see there are general provisions in the Convention, for example that States shall conserve and manage the resources of the high seas, they shall co-operate in managing the resources of the high seas and this applies also to the exclusive economic zone and there's a very interesting provision which says a state shall not abuse its right. You can argue that the kind of fishing that is engaged in, the kind of technology that constitutes drift-net fishing, is an abuse of the freedom of fishing. It's a license rather than a freedom and what I think I'm trying to say is that the Convention is not specific enough in banning drift-net fishing but under that umbrella conventions dealing specifically with activity should be concluded in my view.

MURPHY: Just to get a handle on this thorny issue, we've covered how to monitor and how to police this particular resolution, would it be true to say that would then depend upon the individual nations who feel that perhaps their interests are suffering? It's over to them to monitor and police and then bring together material and make a big fuss I guess in the United Nations. Would that be the route that would have to be followed?

NELSON: I would think that we need the co-operation of those who are engaged in drift-net fishing and there is already the mechanism of using observers, placing observers on

board these ships, Greenpeace is deciding to do this and there's nothing to prevent the countries of the South Pacific from doing the monitoring themselves. Of course it's very difficult with the vast ocean but that may be a way out of this dilemna.

NELSON: Just a corollary to that, it seems to me the big breakthrough has been the Japanese agreement to the resolution and they've said that they will promote the reduction of drift-net fishing. Have they indicated at all how they might go about checking that out amongst their own fishing fleet?

NELSON: No, they haven't but I imagine that won't be very difficult. One of the issues here is something like this. The technology itself is wasteful and possibly unlawful and yet still one is thinking of reducing it. You see it's not a matter of reducing, it's not a matter of conservation, it's a matter of this technology. One could argue that this technology just should not be used.

LITTLEJOHNS: If it's illegal it should be banned, not just reduced?

NELSON: That's right, yes.

LITTLEJOHNS: But surely the very fact that relatively few countries are engaged in this activity would seem to imply that the majority of nations feel that it's a pretty bad thing?

NELSON: I think you're right and that is the reason why this resolution was adopted so speedily. Some people are amazed at the speed at which this resolution was adopted in spite of a certain opposition from certain quarters but I think

it's fair to say that the international community, a large part of the international community, is very concerned about the deletorious effect of drift-net fishing.

LITTLEJOHNS: New Zealand, as I recall, was one of the, if not the prime mover in this resolution and the first text was a lot tougher than the final version. I think it was watered down largely because of the objections of Japan, is that correct?

NELSON: The other side, yes.

LITTLEJOHNS: The other side meaning, Japan and a few others?

NELSON: Yes, of course.

LITTLEJOHNS: The United States went along with it, of course?

NELSON: Yes, of course.

LITTLEJOHNS: They adopted something that was long overdue. Mr. Nelson, thank you for joining us. That's all the time we have.

Our guest has been Dolliver Nelson, Executive Secretary of the U.N. Preparatory Commission for the International Sea-Bed Authority. He was interviewed here at United Nations Headquarters in New York by: Ian Steele of the Press Foundation of Asia; Ted Morello of the Christian Science Monitor; and Roy Murphy of Television New Zealand.

I'm Michael Littlejohns. Thank you for joining us. We invite you to be with us for the next edition of **WORLD CHRONICLE**.

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